

REMARKS

Applicants have considered the final Office Action dated April 30, 2009 and provide the following response thereto. In this amendment, Claims 24-26 and 32 are amended. Accordingly, Claims 24-29 and 32-35 are presented for consideration. No new matter has been added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicants had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicants' invention.

CLAIM REJECTIONS UNDER 35 U.S.C. §102(B)

In the final Office Action, Claims 24-29 and 32-35 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,329,531 to Diepstraten et al. (*Diepstraten*). Applicant respectfully traverses in part and amends in part.

Independent Claim 24, as amended, describes an access point that provides voice and data communications for use in a wireless local area network. The access point is configured, in part, to prioritize communications packets for transmission based on whether a current packet is a *network management packet*, a *voice communication packet* or *other communication packet*. The *network management packet* is *prioritized higher than the voice communication packet* and the *voice communication packet* is *prioritized higher than the other communication packet*. Amended independent Claim 26 describes a transmitter for use in a carrier sense multiple access communications system that includes similar features.

Independent Claim 25 describes a method for providing voice and data communications for use in a wireless local area network having an access point and a plurality of mobile units. The method includes, in part, prioritizing communications packets for transmission based on whether a current packet is *a network management packet, a voice communication packet or other communication packet*, wherein the *network management packet is prioritized higher than the voice communication packet* and the *voice communication packet is prioritized higher than the other communication packet*. Independent method Claim 32 includes similar features.

Support for these claim amendments can be found throughout the specification. For example, in one embodiment, as explained on page 18 of the Specification and shown in FIG. 6a, in a wireless local area network, packet traffic may be managed using different levels of priority. At step 88, an access point may determine which packets are for providing voice, network management, or other communications. At step 90, packets that are for managing network operations are prioritized highest. At step 92, packets that are for voice communications are prioritized second highest. At step 94, packets that are for other communications are prioritized third highest. (Specification, page 18, lines 10-21).

Diepstraten relates to a method of accessing a communication medium. Applicants respectfully submit that *Diepstraten* does not disclose, either expressly or inherently, the claim features of independent Claims 24-26 and 32. In particular, nothing in *Diepstraten* discloses a prioritization of communications packets for transmission based on whether a current packet is *a network management packet, a voice communication packet or other communication packet*, nor prioritizing the *network management packet higher than the voice communication packet* and the *voice communication packet prioritized higher than the other communication packet*, as described in independent Claims 24-26 and 32. Claims 24-26 and 32 should be allowed for at least these reasons.

Applicants respectfully submit that Claims 27-29, which depend from Claim 26, and Claims 33-35, which depend from Claim 32, are patentable over the prior art of

record by virtue of their dependence. Further, Applicants submit that Claims 27-29 and 33-35 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 24-29 and 32-35 under 35 U.S.C. 102(b) be reconsidered and withdrawn for at least these reasons.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number provided below to discuss any outstanding issues relating to the allowability of the application.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

By:



10/30/2009

Date

Please send correspondence to:
Motorola, Inc.
ATT: Patent Administrator
1303 East Algonquin Rd.
Schaumburg, IL 60196
Customer Number: 22917

Bartholomew J. DiVita
Attorney for Applicant
Registration No. 59803
Tel. No. (631) 738-3405
Fax No. (847) 576-3750
Email: bart.divita@motorola.com